

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Blue Spike, LLC,	§	
<i>Plaintiff,</i>	§	CASE NO. 6:12-cv-499 MHS
v.	§	LEAD CASE
Texas Instruments, Inc., et al.,	§	Jury Trial Demanded
<i>Defendants.</i>	§	
<hr/>		
Blue Spike, LLC,	§	CASE NO. 6:13-cv-089 MHS
<i>Plaintiff,</i>	§	CONSOLIDATED CASE
v.	§	Jury Trial Demanded
MorphoTrak, Inc. and Safran USA, Inc.,	§	
<i>Defendant.</i>	§	
<hr/>		

**PLAINTIFF BLUE SPIKE'S REPLY IN RESPONSE TO
DEFENDANT MORPHOTRAK'S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC (“Blue Spike”) files this Reply to the Counterclaims of Defendant MorphoTrak, Inc (“MorphoTrak” or “Defendant”) (Case No. 6:13-cv-089, Dkt. No. 605) as follows. All allegations not expressly admitted or responded to by Blue Spike are denied.

COUNTERCLAIMS

90. Blue Spike denies the allegations of Paragraph 89 on the basis that Defendant’s incorporation of its Answer and Affirmative Defenses into its Counterclaims is nonsensical.
91. Blue Spike admits the allegations of Paragraph 91.
92. Blue Spike admits the allegations of Paragraph 92.

93. Blue Spike admits the allegations of Paragraph 93, upon information and belief.
94. Blue Spike admits the allegations of Paragraph 94.
95. Blue Spike admits the allegations of Paragraph 95.
96. Blue Spike admits the allegations of Paragraph 96.

FIRST COUNTERCLAIM

97. Blue Spike repeats and incorporates by reference its responses to the allegations contained in Paragraphs 90 through 96 above.
98. Blue Spike denies the allegations of Paragraph 98.
99. Blue Spike denies the allegations of Paragraph 99.

SECOND COUNTERCLAIM

100. Blue Spike repeats and incorporates by reference its responses to the allegations contained in Paragraphs 90 through 96 above.
101. Blue Spike denies the allegations of Paragraph 101.

PRAYER FOR RELIEF

Blue Spike denies that Defendant is entitled to any of the relief it requests.

BLUE SPIKE'S PRAYER FOR RELIEF

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendant as follows:

- (a) That Defendant takes nothing by its Counterclaims;
- (b) That the Court award Blue Spike its costs and attorneys' fees incurred in defending against these Counterclaims; and

(c) Any and all further relief for Blue Spike as the Court may deem just and proper.

Respectfully submitted,

/s/ Randall T. Garteiser
Randall T. Garteiser
Texas Bar No. 24038912
rgarteiser@ghiplaw.com
Christopher A. Honea
Texas Bar No. 24059967
chonea@ghiplaw.com
Christopher S. Johns
Texas Bar No. 24044849
cjohns@ghiplaw.com
Kirk J. Anderson
California Bar No. 289043
Peter S. Brasher
California Bar No. 283992
GARTEISER HONEA, P.C.
44 North San Pedro Road
San Rafael, California 94903
Telephone: (415) 785-3762
Facsimile: (415) 785-3805

Counsel for Blue Spike, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser